

## **WAC 463-XX-NEW - Site Certificate Agreement Expiration**

- (1) The State of Washington authorizes a Certificate Holder to construct and operate a combustion turbine electrical generation facility at the site subject to the terms and conditions of the council's Findings of Fact and Conclusions of Law, Orders Recommending Approval of Site Certification, commitments made during the adjudicative hearings, the Site Certification Agreement executed by the Governor, and any amendments approved pursuant to applicable laws and rules.
- (2) A Site Certification Agreement authorizes the construction of the facility to begin within ten (10) years from the effective date of the Agreement. Construction is deemed to begin with the initiation of any actual construction activities such as:
  - (a) form work, rebar, and pouring concrete for the power block structures;
  - (b) excavation of the natural gas and/or makeup water supply pipeline trenches for the construction of the natural gas and makeup water supply pipeline laterals;
  - (c) the start of earthwork and road foundation construction for access or service roads; and
  - (d) the pouring of footings for, or the erection of, transmission line or switchyard structures for the electrical transmission lines.
- (3) A Certificate Holder shall notify the council thirty (30) days prior to beginning construction and may begin construction within the first eighteen (18) months of the

effective date of the Site Certification Agreement, without further certifications from the Certificate Holder.

- (4) If construction is requested to begin after eighteen (18) months and during the first five (5) years of the effective date of the Site Certification Agreement, six (6) months before construction is intended to begin, the Certificate Holder shall identify to the council any substantial relevant change or certify the lack of substantial change in relevant environmental conditions, regulatory environment, or economically available technology.
- (5) If construction is requested to begin five (5) years after and within ten (10) years of the effective date of the Site Certification Agreement, the Certificate Holder shall notify the council six (6) months before construction is intended to begin and shall certify that the representations of the Application, environmental conditions, pertinent technology, and regulatory conditions remain current, or identify any changes and propose appropriate amendments to the Site Certification Agreement to address the changes.
- (6) The council may retain an independent consultant, at the Certificate Holders expense, to verify environmental conditions, regulatory environment, and pertinent technology. Construction may begin only upon prior council authorization, upon the council's finding that no changes to the Site Certification Agreement are necessary or appropriate, or upon the effect of any necessary or appropriate changes.